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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,090	11/16/2001	Stephen P. Vossler	P1758US00	4805

7590 07/29/2005

GATEWAY, INC.
Attention: Kenneth J. Cool
610 Gateway Drive, MD Y-04
N. Sioux City, SD 57049

EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,090

Applicant(s)

VOSSLER, STEPHEN P.

Examiner

Victor Lesniewski

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed 5/13/2005 has been placed of record in the file.
2. Claims 5, 6, 15-17, 22, and 23 have been amended.
3. Claims 1-24 are now pending.
4. The applicant's arguments with respect to claims 1-24 have been fully considered but they are not persuasive. A detailed discussion is set forth below.

Response to Amendment

5. Claims 5, 6, 15-17, 22, and 23 have been amended to adjust the wording of the claims by changing "at least one or more" to "at least one" which is grammatically more appropriate. The amendments do not prove a change in scope to the limitations of the claims.

Claim Rejections - 35 USC § 102

6. Claims 1-24 remain rejected under 35 U.S.C. 102(e) as being anticipated by Hall et al. (U.S. Patent Number 6,742,037), hereinafter referred to as Hall, as stated in the previous office action mailed 1/13/2005.

Response to Arguments

7. In the remarks, the applicant has argued:
 - <Argument 1>

Hall does not disclose the features of claim 1 because he does not disclose a "means for predicting a time period during which communications between the first network and the

second network can be made” and a “means for transferring information between the first network and the second network so that said transferring means completes the information transfer within the time period” as recited in claim 1.

- <Argument 2>

Hall does not disclose the features of claim 2 because he does not disclose a “means for determining whether a remaining time period exists subsequent to said transferring means completing the information transfer within the time period so that said transferring means is capable of executing an additional information transfer completed within the remaining time period” as recited in claim 2.

- <Argument 3>

Hall does not disclose the features of claim 21 because he does not disclose a “means for determining an amount of data to be transferred between the first network and the second network” as recited in claim 21.

8. In response to argument 1, Hall does disclose a means for predicting a time period and a means for transferring information as recited in claim 1. The previous line citation, column 2, lines 6-24, states that targets in Hall’s DIT system calculate virtual zones in order to determine at what times information needs to be transmitted. This determination satisfies the “predicting a time period” as claimed and is further discussed throughout Hall’s disclosure. For additional detail, the applicant is directed to the discussion of figure 5 in columns 9 and 10 which will also be addressed in the response to argument 2.

9. Furthermore, the previous line citation, column 6, lines 1-16, states several examples of information transferred between the networks. This citation is taken into consideration with

Art Unit: 2152

column 2, lines 6-24 which states synchronizing the data transfer with some activity such as a user's arrival. These examples of data transfer, with the synchronization, are representative of transferring information completely within a time period. Hall is replete with specific scenarios that utilize this synchronization functionality. As one example, the applicant is directed to column 7, lines 25-36 which discusses a smart home monitoring system. Here, the lights or heat in the user's home may be turned on at a specific time before the user arrives at home or as he is arriving at home. Thus the transferring of information to activate the lights or heat is completed within the specified time period before the user is home.

10. In response to argument 2, Hall does disclose a means for determining whether a remaining time period exists as recited in claim 2. The previous line citation, column 10, lines 12-40, states that for users in virtual zones there is "a continuous transfer of information or initiation of programs as defined by their respective virtual zones." Thus, as shown in figure 5, a first user's program can be initiated upon initial interaction with a second user. But in addition, various virtual zone thresholds may be crossed which allow for a continuous assessment of the pertinent user details, and other programs or events may be initiated as defined by the zones until the users are too far away for any interaction. These multiple virtual zone thresholds satisfy the capability of executing additional information transfers as claimed. Here, the time in which the two users are close enough to interact would be akin to the claimed time period.

11. In response to argument 3, Hall does disclose a means for determining an amount of data to be transferred as recited in claim 21. The previous line citation, column 8, lines 34-38, states that the personal assistant device of the system obtains and confirms programs or events. The programs or events contain the data to be transferred between the networks. Thus, obtaining and

Art Unit: 2152

confirming such a program satisfies “determining an amount of data to be transferred” as claimed.

12. In addition, the applicant has argued that claims rejected under 35 U.S.C. 102, but not explicitly discussed, are allowable based on the above arguments. Thus, claims disclosing similar limitations to the discussed claims and related dependent claims remain rejected under the same reasoning as presented above.

Conclusion

13. **THIS ACTION IS MADE FINAL.** The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

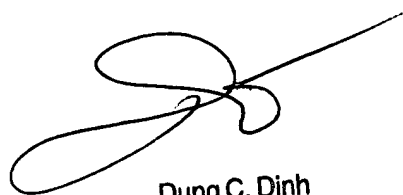
Art Unit: 2152

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor Lesniewski
Patent Examiner
Group Art Unit 2152



Dung C. Dinh
Primary Examiner